

REMARKS

By this Seventh Preliminary Amendment, Applicant has amended the pending claims primarily to accommodate a recent change (in counsel's opinion and experience) in claim construction by the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit"). Specifically, in SuperGuide Corp. v. DirecTV Enterprises, Inc., 358 F.3d 870 (Fed. Cir. 2004), the Federal Circuit held that a claim using "at least one of . . . [A, B] and [C]" required all three elements (A, B and C) to be present for infringement because of the use of the conjunctive "and" rather than the disjunctive "or," which, in counsel's 45 years experience, was a change in how claims have been drafted and interpreted. Thus, each such use of "at least one of . . . and . . ." in the pending claims has been changed to "or" to unequivocally mean that only one of the alternative elements is required. Other minor amendments have been made to the pending claims to correct errors and for clarity. None of the claim amendments have been made for distinguishing over any known prior art. Also, new claims 134-139 have been added to more completely protect Applicant's invention.

7297-101N1 / 10316368
S.N. 10/719,363
PATENT

A favorable action on the merits of the pending claims 1 - 139 is respectfully requested.

Respectfully submitted,

Fulbright & Jaworski L.L.P.

Dated: April 8, '05

By: Conrad R. Solum, Jr.
Conrad R. Solum, Jr.
Reg. No. 20,467

Customer No. 000167
865 South Figueroa St., 29th Floor
Los Angeles, CA 90017
(213) 892-9200